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08/776,578	02/03/97	HARREUS	A R45073

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EXAMINER

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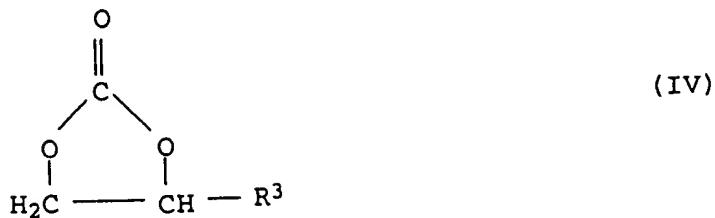
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1621	

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Art Unit: 1209



in the presence of a catalyst.

II. Explanation of why claims 11-17 of U.S.S.N. 08/776,578 correspond to Count 1.

Claim 1 is the generic claim of U.S.S.N. 08/776,578 interfering with the claims of U.S. Patent No. 5,434,306. Although use of a nitrogen containing catalyst is not mentioned in claim 11, it is not excluded by the use of comprising: The specification on pages 4, 6 and 7 discloses the use of overlapping catalysts and nitrogen catalysts are claimed in claim 16. Claims 12-14 correspond to count 1 in that they claim starting materials overlapping count 1. Claim 15 corresponds to count 1 in that although potassium hydrogen carbonate is used as a catalyst, other nitrogen catalysts may also be used in mixture as described on pages 6 and 7 of the specification. Claim 17 corresponds to count 1 in that it claims a process variant of using a solvent which may be present in both processes.

III. Explanation of why claim 1-21 of U.S. Patent No. 5,434,306 corresponds to count 1.

Claim 1 is the generic claim of U.S. Patent No. 5,434,306 interfering with the claims of U.S.S.N. 08/776,578 and claims the use of reactants generically overlapping the reactants of 5,434,306. Claims 2 and 6-11 further characterize the nitrogen containing catalyst and corresponds to count 1 as claiming the use of an overlapping catalyst. Although U.S.S.N.

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08/776,578 does not claim processes wherein the nitrogen containing bases are claimed so specifically, pages 4, 6 and 7 of the specification of U.S.S.N. 08/776,578 show overlapping catalysts in a non-exhaustive listing. Claims 3-5 of U.S. Patent No. 5,434,306 correspond to count 1 in that overlapping reactants are further specified. Claims 12-21 correspond to count 1 in that reaction conditions, reactant ratios, solvent and solvent/reactant ratios are claimed which are common to both processes and are generically encompassed by count 1.